

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ADRIAN & BLISSFIELD RAIL  
ROAD COMPANY, a Michigan  
railroad company,

Plaintiff,

VS.

PROVISION POWER AND GAS,  
LLC, a Delaware limited liability  
company,

Defendant.

CASE NO.

JUDGE:

## NOTICE OF REMOVAL

Defendant Provision Power and Gas, LLC (“PP&G”) gives notice of the removal of this Action from the 18<sup>th</sup> Judicial District for the State of Michigan to the United States District Court for the Eastern District of Michigan. In support of this Notice of Removal, PP&G states as follows:

## PROCEDURAL STATUS OF CASE

1. On October 15, 2019, Plaintiff Adrian & Blissfield Rail Road Company commenced a civil action (the “**Action**”) in the District Court for the 18<sup>th</sup> Judicial District for the State of Michigan (the “**State Court**”) bearing the caption “*Adrian & Blissfield Rail Road Company vs. Provision Power and Gas, LLC*,” Case No. 19-80495. The Complaint and Summons attached hereto as “**Exhibit A**,” were filed in the Action in State Court.

2. On October 22, 2019, PP&G was served with a copy of the Complaint and Summons in the 18<sup>th</sup> Judicial District Action. *See Exhibit A.*

3. At the time of filing this Notice of Removal, PP&G has not filed an Answer to Plaintiff's Complaint or otherwise appeared in the Action in State Court.

### **BASIS FOR FEDERAL QUESTION JURISDICTION**

4. Plaintiff's Complaint alleges a cause of action under the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"). Removal of Plaintiff's claim under the TCPA to this Court is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction over TCPA claims pursuant to 28 U.S.C. § 1331 (federal question jurisdiction). *See Mims v. Arrow Fin. Servs., LLC*, 132 S.Ct. 740, 753 (federal courts have federal question jurisdiction over claims that arise under the TCPA).

5. This action may be removed to this Court by PP&G pursuant to 28 U.S.C. § 1441(a), as amended, because this action is a civil action of which the United States District Courts have original jurisdiction under 28 U.S.C. § 1331.

### **PROPRIETY OF REMOVAL**

7. Pursuant to 28 U.S.C. § 1441(a), the State Court Action is properly removable to this Court because it is within this Court's district and division. Further, all process, pleadings, and orders that have been filed in the State Court Action are attached.

8. Pursuant to 28 U.S.C. § 1441(b), this Notice of Removal is timely because it is filed within thirty days after receipt by PP&G.

9. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will timely be filed with the State Court, and a written notice of this removal has been served on Plaintiff. The Notice of Removal to be filed in the State Court Action is attached as **Exhibit B**.

10. PP&G reserve all defenses, including but not limited to, those under Fed. R. Civ. P. 12(b) and does not waive said defenses by the filing of this Notice of Removal.

**WHEREFORE**, PP&G respectfully requests that this Action be removed from the 18<sup>th</sup> Judicial District for the State of Michigan to the United States District Court for the Eastern District of Michigan, and that all proceedings hereinafter in this matter take place in the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

/s/ Nasseem S. Ramin

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*Attorneys for Defendant Provision Power  
and Gas, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that, on November 19, 2019, a copy of the foregoing *Notice of Removal* was filed electronically and a copy is being served upon the following Plaintiff by regular United States mail, postage prepaid:

Mark W. Dobronski, President  
Adrian & Blissfield Rail Road Company  
38235 North Executive Drive  
Westland, MI 48185-1971  
*Plaintiff Pro Corpore*

/s/ Nasseem S. Ramin